

PATENT

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Jane A. Walker
 Jane A. Walker

January 23, 2006

Date

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JAN 23 2006**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Rajagopalan et al.
 Serial No.: 09/898,809
 Filed: July 3, 2001
 Group Art Unit: 1624
 Confirmation No: 5120
 Examiner: McKenzie, Thomas C.
 Title: **DYE-SULFENATES FOR DUAL PHOTOTHERAPY**
 Our Ref. No.: MRD-63

Cincinnati, Ohio

January 23, 2006

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
 TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed July 25, 2005 finally rejecting claims 12-14 and 23-33.

The item(s) checked below are appropriate:

1. **Status of Applicant**

This application is on behalf of

other than a small entity.

01/25/2006 EFLORES 00000017 233000 09898809
~~01/25/2006 EFLORES 00000017 233000 09898809~~ ~~09898809~~ small entity.

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02 FC:1253 1020.00 DA

PAGE 1/3 * RCVD AT 1/23/2006 4:12:48 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:513 241 6234 * DURATION (mm:ss):00:58

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2. Fee for Filing Notice of Appeal

JAN 23 2006

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

<input type="checkbox"/>	small entity	\$250.00
<input checked="" type="checkbox"/>	other than a small entity	\$500.00

Notice of Appeal fee due \$500.00

Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
one month	\$ 120.00	\$ 60.00
two months	\$ 450.00	\$225.00
<input checked="" type="checkbox"/> three months	\$1,020.00	\$510.00
four months	\$1,590.00	\$795.00
fifth month	\$2,160.00	\$1,080.00

Fee \$1,020.00

— Attached is a check in the amount of \$ for the one month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

An extension for 1 month has already been secured and the fee paid therefor of \$ 120.00 is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$ 900.00.

OR

(b) Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition

for extension of time.

3. Total Fee Due

The total fee due is:

Notice of Appeal fee \$500.00.
Extension fee (if any) \$900.00.

Total Fee due \$1,400.00

4. Fee Payment

Attached is a check is the sum of \$_____

The Commissioner is hereby authorized to charge the amount of \$1,400.00 for the appeal fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

5. Fee Deficiency

Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By Beverly A. Lyman
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